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6 Attorneys for Defendants
MARK GARIBALDI and THE GARIBALDI COMPANY

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 EDITH MACIAS, individually and on
behalf of similarly situated individuals;
12 HOTON DURAN; TIFFANY HUYNH;
AURA MENDIETA; WILLIAM
13 LABOY; MIGUEL ACOSTA; CRUZ
ACOSTA; CUAUHEMOC TORAL;
14 TERESA VILLEGAS, KAPIKA
SALAMBUE and MARINA DURAN

15 Plaintiffs,

16 vs.

17 THOMAS J. TOMANEK; and MARK
18 GARIBALDI, individually and doing
business as THE GARIBALDI
19 COMPANY,

20 Defendants.

CASE NO. C07 3437 JSW

JOINT APPLICATION AND
STIPULATION RE RESCHEDULING
INITIAL CASE MANAGEMENT AND
ADR DEADLINES AND CASE
MANAGEMENT CONFERENCE;
[PROPOSED ORDER]

21
22 STIPULATION AND APPLICATION
23

24 WHEREAS,

25 1. The two Defendants herein each filed motions to dismiss the complaint.

26 [Documents 7 and 11] As part of that process, and in order to potentially save the parties
27 and the court great time and expense, all parties hereto stipulated to enlarge the time for

1 complying with the usual initial case management activities and to re-set the date of the
 2 initial case management conference [Doc. 17], so that they would occur after the hearing
 3 on the motions to dismiss.

4
 5 2. The court granted this stipulated application [Doc. 18]. Thus the initial meet and
 6 confer and ADR Certificate filing date was re-set to occur two weeks after the hearing date
 7 on the motions to dismiss, the Rule 26 disclosure was set to occur three weeks after the
 8 hearing on the motions to dismiss, and the initial case management conference was re-set
 9 to occur on a date that was six weeks after the hearing on the motion to dismiss, and three
 10 weeks after filing of the Rule 26 disclosure and case management statements. [Doc. 18]

11
 12 3. In response to the motions to dismiss, plaintiffs filed a first amended complaint
 13 [Doc. 19], and defendants again filed motions to dismiss. [Docs. 20 and 22] The motions to
 14 dismiss the first amended complaint were set for hearing on January 11, 2008. [Doc 21]
 15 Plaintiffs have filed their opposition to the motions [Docs. 27 and 28], and defendants have
 16 filed replies [Docs. 31 and 32].

17
 18 4. As ordered by the court [see Doc. 18], the current scheduling of these matters is
 19 as follows:

- 20
 21 – 12/14/07 Current last day to confer re disclosures, ADR, etc. and last day to file
 22 Joint ADR Certification, etc.
 23 – 12/21/07 Current last day to file Rule 26(f) Report and Case Management
 24 Statement
 25 – 1/11/08 Initial Case Management Conference as currently scheduled
 26 (1:30 p.m.)
 27 – 1/11/08 Current hearing date/time for motions to dismiss (9:00 a.m.)
 28

1 5. In order to save great time and expense for the parties and for the court as well,
2 all parties herein have agreed and jointly ask the court to maintain January 11, 2008 as the
3 hearing date for the motion to dismiss, but to re-set the other deadlines and hearing dates
4 listed in paragraph 4 above, as follows:

5
6 1/25/08 New last day to confer re disclosures, ADR, etc. and last day to file
Joint ADR Certification, etc.
7
8 2/1/08 New last day to file Rule 26(f) Report and Case Management
Statement
9
10 2/22/08 New date for Initial Case Management Conference (1:30 p.m.)

11 The above is SO STIPULATED.

12
13
14 DATED: 12/12/07

BRANCART & BRANCART

Elizabeth Brancart

ELIZABETH NOONAN BRANCART
Attorneys for Plaintiffs

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19
20 DATED: _____

ALLMAN & NIELSEN

SARA B. ALLMAN
Attorneys for Defendant Thomas J. Tomanek

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1 5. In order to save great time and expense for the parties and for the court as well,
2 all parties herein have agreed and jointly ask the court to maintain January 11, 2008 as the
3 hearing date for the motion to dismiss, but to re-set the other deadlines and hearing dates
4 listed in paragraph 4 above, as follows:

5
6 1/25/08 New last day to confer re disclosures, ADR, etc. and last day to file
Joint ADR Certification, etc.

7
8 2/1/08 New last day to file Rule 26(f) Report and Case Management
Statement

9 2/22/08 New date for Initial Case Management Conference (1:30 p.m.)

10
11 The above is SO STIPULATED.

12
13
14 DATED: _____

BRANCART & BRANCART

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16
17 ELIZABETH NOONAN BRANCART
Attorneys for Plaintiffs

18
19
20 DATED: 12-11-07

ALLMAN & NIELSEN, P.C.

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22 
23 SARA B. ALLMAN
Attorneys for Defendant Thomas J. Tomanek

24
25 ///

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27 ///

1 DATED: 12/11/07

FARBSTEIN & BLACKMAN, APC

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3
4 JOHN S. BLACKMAN
Attorneys for Defendants Mark Garibaldi and
The Garibaldi Company

5
6 **ORDER**

7 Good cause appearing therefor, the court orders changes to the scheduling in this
8 case as follows:

9 New last day to meet and confer re initial
10 disclosures, early settlement, ADR process
selection, and discovery plan

January 25, 2008

11 [or: _____]

12 New last day to file Rule 26(f) Report,
13 complete initial disclosures or state
objection in Rule 26(f) Report
14 per Standing Order, and to file Case
Management Statement

February 1, 2008

15 [or: _____]

16
17 New date/time for Initial Case Management
18 Conference, in Courtroom 2, 17th Floor

February 22, 2008, at 1:30 p.m.

19 [or: _____]

20 The hearing date/time for the motions to
21 dismiss the first amended complaint shall
remain as previously ordered:

January 11, 2008, at 9:00 a.m.

22 [or: _____]

23
24
25 **JEFFREY S. WHITE**
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

Macias v. Tomanek, , Mark Garibaldi, The Garibaldi Company
 USDC, Northern California, Case No. C 07-3437 JSW

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the office of a member of the bar of this court at whose direction the service was made. My business address is 411 Borel Avenue, Suite 425, San Mateo, California 94402-3518. My electronic notification address is stf@farbstein.com. On December 12, 2007, I served the following document(s):

**JOINT APPLICATION AND STIPULATION RE: RESCHEDULING INITIAL CASE
 MANAGEMENT AND ADR DEADLINES AND CASE MANAGEMENT
 CONFERENCE; [PROPOSED] ORDER**

on the following person(s) by the method(s) indicated below:

Elizabeth Noonan Brancart, Esq. Christopher A. Brancart, Esq. Brancart & Brancart P. O. Box 686 Pescadero, CA 94060	Attorneys for plaintiffs Tel: 650-879-0141 Fax: 650-879-1103 email: cbrancart@brancart.com ebrancart@brancart.com
Sara B. Allman, Esq. Allman & Nielsen 100 Larkspur Lndg Cir #212 Larkspur, CA 94939	Attorneys for defendant Thomas J. Tomanek Tel: 415-461-2700 Fax: 1-415-461-2726 all-niel@pacbell.net

☐ by transmitting via facsimile on this date from fax number (650) 554-6240 the document(s) listed above to the fax number(s) set forth herein. The transmission was completed before 5:00 p.m. and was reported complete and without error. The transmission report is attached to this proof of service. Service by fax was made by agreement of the parties confirmed in writing.

☒ by placing the document(s) listed above in a sealed envelope(s) with postage thereon fully prepaid, for deposit in the United States mail at San Mateo, California addressed as set forth herein. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day, with postage thereon fully prepaid in the ordinary course of business.

☒ by transmitting the document(s) listed above via the Court's ECF system to the persons at the email address(es) set forth herein. The transmission was completed before 5:00 p.m. and was reported complete and without error.

I declare under penalty of perjury under the laws of the United States and the State of California that the above is true and correct. Executed at San Mateo, California, on December 12, 2007.


 SUZANNE T. FARBSTAIN